

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TONY COLIDA,

Plaintiff,

- against -

SONY ERICSSON MOBILE COMMUNICATION,  
USA, INC.,

Defendant.  
----- x

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/6/08
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07 Civ. 9260 (RJH)

**ORDER**

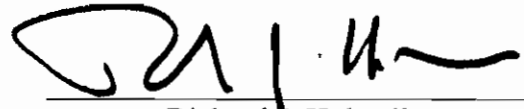
On December 7, 2007, the Court issued an Order scheduling an initial pre-trial conference in this matter on March 14, 2008 at 11:00 a.m. and mailed a copy of this Order to Plaintiff. Plaintiff did not appear at the March 14, 2008 conference, nor did he seek to reschedule the conference or provide any explanation for his failure to appear. Counsel for Defendant appeared at the conference and moved on the record for dismissal of this action with prejudice pursuant to Fed. R. Civ. P. 41(b), noting that Plaintiff has filed three similar actions against Defendant in four years while "never bearing the cost or inconvenience of physically appearing for conferences." (Mar. 14, 2008 Tr. 2.)

In light of Plaintiff's disregard of this Court's December 7, 2007 Order, the Court hereby dismisses this action without prejudice pursuant to Rule 41(b). If Plaintiff intends to prosecute this action, he may apply for reinstatement in a letter to the Court establishing good cause for his failure to appear at the March 14, 2008 conference. If this letter is not received by the *Pro Se* office before 5:00 p.m. on June 20, 2008, the action will be dismissed with prejudice. Plaintiff may contact the *Pro Se* office at (212) 805-0175 for assistance.

Plaintiff is cautioned that he will not be permitted to appear in this action by telephone. If the action is reinstated and Plaintiff fails to appear in person at any scheduled conference, the action will be dismissed with prejudice and Plaintiff will be sanctioned appropriately.

SO ORDERED.

Dated: New York, New York  
June 4, 2008

A handwritten signature in black ink, appearing to read 'R. J. Holwell', written over a horizontal line.

Richard J. Holwell  
United States District Judge